

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ACQIS LLC,

Plaintiff,

v.

SONY INTERACTIVE ENTERTAINMENT
INC., et al.,

Defendants.

Case No. 6:22-cv-386-ADA

JURY TRIAL DEMANDED

CASE READINESS STATUS REPORT

Plaintiff ACQIS LLC (“ACQIS” or “Plaintiff”) and Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC (“Defendants”) hereby provide the following status report.

SCHEDULE

A scheduling order has not yet been filed. The parties intend to file a motion to enter a Scheduling Order, whether agreed or disputed, no later than February 24, 2023, i.e., two weeks after the Case Management Conference (CMC) will be deemed to have occurred on February 10, 2023.

A *Markman* date has not yet been proposed. Pursuant to the Court’s OGP, the *Markman* hearing will likely be initially scheduled for July 21, 2023, i.e., 23 weeks after the CMC.

A trial date has not yet been proposed. Pursuant to the Court’s OGP, trial will likely be initially scheduled for July 19, 2024, i.e., 52 weeks after the *Markman* hearing.

FILING AND EXTENSIONS

Plaintiff's Complaint was filed on April 14, 2022. Dkt. 1. There have been seven extensions for a total of 242 days, due in part to then-pending issue preclusion and claim construction disputes in two cases involving some of the same asserted patents, *ACQIS LLC v. ASUSTeK Computer Inc.*, 6:20-cv-966-ADA (“*ACQIS v. ASUSTeK*”) and *ACQIS LLC v. Wistron Corp. & Wiwynn Corp.*, 6:20-cv-968-ADA (“*ACQIS v. Wiwynn*”). A hearing was held on December 19, 2022 to address supplemental claim construction issues in those matters, and the Court has issued an Order resolving the remaining claim construction disputes in those matters. See *ACQIS v. ASUSTeK*, Dkt. 144 (dated Dec. 28, 2022, entered Jan. 6, 2023); *ACQIS v. Wiwynn*, Dkt. 141 (dated Dec. 28, 2022, entered Jan. 6, 2023). Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC contend that the issue preclusion issues remain unresolved.

RESPONSE TO THE COMPLAINT

Defendants responded to the Complaint on December 20, 2022 by filing Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC’s Partial 12(b)(6) Motion to Dismiss regarding issue preclusion. Dkt. 24.

PENDING MOTIONS

The following motions are pending before the Court:

- Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC’s Motion to Transfer Venue to the Northern District of California, or in the Alternative, to the Austin Division of the Western District of Texas (Dkt. 21), filed under seal on December 19, 2022; and

- Defendants Sony Interactive Entertainment Inc. and Sony Interactive Entertainment LLC's Partial 12(b)(6) Motion to Dismiss regarding issue preclusion (Dkt. 24), filed on December 20, 2022.

RELATED CASES IN THIS JUDICIAL DISTRICT

The following cases, each of which involves multiple common asserted patents, are pending in this Judicial District:

- *ACQIS LLC v. Microsoft Corp.*, 6:22-cv-385-ADA (filed Apr. 14, 2022);¹
- *ACQIS LLC v. ASUSTek Computer Inc.*, 6:20-cv-966-ADA (filed Oct. 15, 2020); and
- *ACQIS LLC v. Wistron Corp. & Wiwynn Corp.*, 6:20-cv-968-ADA (filed Oct. 15, 2020).

IPR, CBM, AND OTHER PGR FILINGS

There are no known current IPR, CBM, or other PGR filings relating to any of the patents-in-suit. There are pending *ex parte* reexaminations of claim 7 of U.S. Patent No. 8,977,797 and claims 14 and 23 of U.S. Reissued Patent No. RE44,654, which were filed by Wiwynn Corporation.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted five patents and expects to assert approximately 60-80 claims against Defendants in its infringement contentions, which are due February 3, 2023. The asserted patents are U.S. Patent Nos. 9,529,768, 9,703,750, 8,977,797, RE44,654, and RE45,140.

APPOINTMENT OF TECHNICAL ADVISOR

At this time, the parties defer to the Court on whether to appoint a technical advisor to the case to assist the Court with claim construction or other technical issues. The parties note that the

¹ This matter is a CRSR Related Case as defined in OGP 4.2, Section I.

Court has appointed Dr. Joshua Yi as technical advisor in the *ACQIS v. ASUSTek* and *ACQIS v. Wiwynn* matters.

MEET AND CONFER STATUS

Plaintiff and Defendants have met and conferred. The parties have no pre-*Markman* issues to raise at the CMC.

Dated: January 27, 2023

Respectfully submitted,

By: /s/ Logan J. Drew

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*Counsel for Defendants Sony Interactive
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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record. Any other counsel of record will be served by first class U.S. mail.

/s/ Logan J. Drew

Logan J. Drew